

Filed for intro on 02/13/2003
HOUSE BILL 422 By
Ferguson

SENATE BILL 562
By Walker

AN ACT to amend Chapter 165 of the Private Acts of 1917; as amended by Chapter 30 of the Private Acts of 1923; and any other acts amendatory thereto, relative to the charter of the City of Harriman.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Article II, Section 9 of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting the following language from such section:

No bill shall be considered until the same shall have been reported upon by a committee, unless the City Council by a vote of two-thirds of all the members present shall dispense with such reference and report.

SECTION 2. Article II, Section 18 of Chapter 165 of the Private Acts of 1917, as amended by Chapter 30 of the Private Acts of 1923, and any other acts amendatory thereto, is amended by deleting such section in its entirety and by substituting instead the following language:

Sec. 18. The city council shall have the management and control of the city finances and all property of the corporation, real, personal, and mixed, and shall have the power by ordinance to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise and give any appropriate evidence thereof in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of negotiable or non-negotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality in accordance with state law;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the municipality, for present or future public use in accordance with the terms and provisions of state law;

(10) Take and hold property within or without the municipality or state upon trust and administer trusts for the public benefit;

(11) Acquire, construct, extend, own, operate, regulate and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities and

telecommunications systems or any estate or interest therein, or any other utility or service to the municipality, its inhabitants or any part thereof; and, further, may issue debt for these purposes under the Local Government Public Obligations Act or other pertinent state law;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to grant franchises embraces the power to grant exclusive franchises to the extent not prohibited by federal or state law.

Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation but also against the municipality itself. Franchises may be granted for a period of time to be fixed by the city council, but not to exceed twenty (20) years. The council may prescribe in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing and future streets, alleys and thoroughfares;

(13) Make contracts with any person, firm, association or corporation for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to make contracts embraces the power to make exclusive contracts to the extent permitted by state or federal law. When an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association or corporation but also against the municipality itself. These contracts may be

entered into for a period of twenty (20) years or less, but not longer. The council may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing and future streets, alleys and thoroughfares;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and telecommunications systems, compel reasonable extensions of facilities for these services, and assess fees for the use of, or impact upon, these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries, squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions provided by the general laws of the state;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within and without the corporate limits, and assess

the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, state law;

(17) Assess against abutting property within and without the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements inside and outside the municipality;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal inside and outside the municipality, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(25) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(26) Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons who violate laws within the corporate limits of the city, or contract with the county to keep these persons in the workhouse of the county;

(27)

(A) Enforce any ordinance by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction; and

(B) No fine, forfeiture or penalty may exceed five hundred dollars (\$500) or the maximum allowable under general state law for violation of municipal ordinances;

(28) Establish, maintain and operate a complete educational system within the municipality, establish and determine the membership of a board of education and endow that board with all authority to operate the school system pursuant to state statute and this charter, review annually the operating budget of the school system and appropriate revenue to support the approved budget,

purchase or otherwise acquire land for school buildings, playgrounds and other purposes necessary to the operation of the school system, purchase or erect all buildings, and do all other acts necessary for the establishment of such educational system;

(29) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(30) Call elections as herein provided;

(31) By ordinance, assess, impose, levy and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula are prescribed by ordinance;

(32) Establish, maintain and operate a city hospital and any other general health facility deemed to be necessary and in the best interests of the health of the city inhabitants; and

(33) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

SECTION 3. Article III, Section 31 of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting such section in its entirety.

SECTION 4. Article III, Section 32 of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting such section in its entirety.

SECTION 5. Article VI, Section 3 of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting the following language:

That all the taxes due the City of Harriman, except privileges and merchants' ad valorem taxes, shall be due and payable on the first Monday in October of the year for which the taxes are assessed, and shall bear interest at six per cent per annum from the first Tuesday of February following.

and substituting instead the following language:

That all the taxes due the City of Harriman, except privileges and merchants' ad valorem taxes, shall be due and payable on the first Monday in October of the year for which the taxes are assessed, and shall bear interest at six percent (6%) per annum from the last day of February following.

SECTION 6. Article VI, Section 3 of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is further amended by deleting the following language:

A penalty of five percent (5%), on all taxes remaining unpaid on and after the first Tuesday in February shall be added, and after the first Tuesday in February aforesaid, the tax books in the hands of the Treasurer shall have the force and effect of a judgment of a court of record, and the tax statements issued therefrom the force and effect of an execution, and the Treasurer shall have the power to levy same upon and sell any property other than real estate belonging to the party against whom the tax is assessed.

and by substituting instead the following language:

A penalty of five percent (5%), on all taxes remaining unpaid on and after the last day in February shall be added, and after the last day in February aforesaid, the tax books in the hands of the treasurer shall have the force and effect of a judgment of a court of record and the tax statements issued therefrom the force and effect of an execution, and the treasurer shall have the power to levy same upon and sell any property other than real estate belonging to the party against whom the tax is assessed.

SECTION 7. Article X of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting such Article in its entirety.

SECTION 8. Article XII of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting such Article in its entirety.

SECTION 9. Article XIII of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting such Article in its entirety.

SECTION 10. Article XIV of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting such Article in its entirety.

SECTION 11. Article XV of Chapter 165 of the Private Acts of 1917, and any other acts amendatory thereto, is amended by deleting Sections 1 through 3 of such Article in their entirety.

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Harriman. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 12.